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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/560,938	12/15/2005	Ryuji Komatsu	0038-0482PUS1	4081

2292 7590 09/28/2006

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PO BOX 747  
FALLS CHURCH, VA 22040-0747

EXAMINER

KALAM, ABUL

ART UNIT	PAPER NUMBER
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2814

DATE MAILED: 09/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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10/560938

EXAMINER
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ART UNIT	PAPER
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20060920

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

Applicant's amendments filed on August 30, 2006, is non-responsive. Please see attached Office Action for details.

**Notice of Non-Compliant  
Amendment (37 CFR 1.121)**

Application No.

10/560,938

Examiner

Abul Kalam

Applicant(s)

KOMATSU, RYUJI

Art Unit

2814

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 8/30/06 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
  - ☐ C. Other \_\_\_\_\_.
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
  - ☐ B. Other \_\_\_\_\_.
- ☐ 3. Amendments to the drawings:
- ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
  - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
  - ☐ C. Other \_\_\_\_\_.
- ☐ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
  - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
  - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
  - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☐ E. Other: \_\_\_\_\_.
- ☒ 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4):  
Cancellation of all claims drawn to an elected invention by original presentation, and presenting new claims drawn to a distinct, different invention.

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

**TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:**

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a *Quayle* action. If any of above boxes 1. to 4. are checked, the correction required is only the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121.

**Extensions of time** are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

**Failure to timely respond** to this notice will result in:

**Abandonment** of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or

**Non-entry** of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

Legal Instruments Examiner (LIE), if applicable

  
**THAO X. LE**  
**PRIMARY PATENT EXAMINER**  
Telephone No.

### **DETAILED ACTION**

This is a response to the amendments and remarks, deemed non-responsive, filed on August 30, 2006.

#### ***Response to Amendment***

1. Newly presented claims 11-18 are directed to an invention that is independent or distinct from the invention originally claimed, and examined in the prior Office Action dated May 30, 2006.

2. Newly presented claims 11-18 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

- I. Claims 1-10, as originally presented and current cancelled, are drawn to a semiconductor device, classified in class 257, subclass 532
- II. Claims 11-18, newly presented, are drawn to a method of manufacturing a semiconductor device, classified in class 438, subclass 957.

Inventions Group II and Group I are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case, the product as claimed can be made by another and materially different process, such as forming the connection terminal in the exposed inner bottom face after the component mounting hole is formed.

3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, the newly presented claims are considered a different invention.

4. Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 11-18 are withdrawn from consideration as being directed to a non-elected invention. Additionally, the applicant has cancelled claims 1-10. See 37 CFR 1.142(b) and MPEP § 818.02(a) and 821.03.

5. The amendment filed on August 30, 2006, canceling all claims drawn to the elected invention and presenting only claims drawn to a distinct invention different from the original presented invention is non-responsive (MPEP § 821.03).

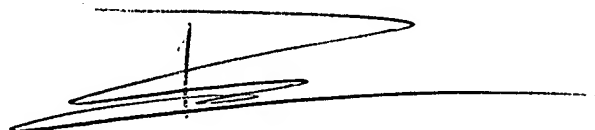
6. Since the above-mentioned amendment appears to be a *bona fide* attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Abul Kalam whose telephone number is 571-272-8346. The examiner can normally be reached on Monday - Friday, 9 AM - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wael M. Fahmy can be reached on 571-272-1705. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AK

A handwritten signature in black ink, consisting of a stylized 'T' followed by a horizontal line and a vertical line intersecting it.

**THAO X. LE**  
**PRIMARY PATENT EXAMINER**